



QUALCOMM Incorporated

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September 15, 2005

Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Oral Ex Parte Presentation in WT Docket No. 05-7

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated (“QUALCOMM”), this is to report that yesterday, Jennifer McCarthy, Jan Lezny and I of QUALCOMM, along with Veronica Ahern of Nixon Peabody LLP and Bob du Treil, Jr. of PCCI met with Roy Stewart, Deborah Klein, Bill Johnson, Bob Ratcliffe, Rick Chessen, Mary Beth Murphy, Barbara Kreisman, Clay Pendarvis, and Eloise Gore of the Media Bureau to discuss QUALCOMM’s Petition for Declaratory Ruling in the above-referenced proceeding.

During the discussion, we provided background information on the MediaFLO service that QUALCOMM, through its MediaFLO USA subsidiary, is launching on its Channel 55 spectrum, and we explained the vague aspects of Section 27.60 (b) (iii) of the Commission’s rules—the fact that while the rule allows QUALCOMM to submit an engineering study to justify the proposed separations, the rule does not specify the methodology to calculate interference to affected adjacent channel or co-channel TV/DTV stations; does not establish a level of *de minimis* interference, and does not explain how the Commission would process these engineering studies. To fill in these gaps in the rule, we asked for the relief requested in QUALCOMM’s Petition, namely that: (i) QUALCOMM be permitted to use the OET 69 methodology, which is well known to the Commission and the TV industry, to calculate interference; (ii) interference of 2% or less from QUALCOMM’s MediaFLO service to adjacent channel or co-channel TV/DTV stations be deemed *de minimis*, the same rule that governs interference from one DTV station to another on the same Channel 55 spectrum; and (iii) the Commission adopt streamlined processing of the engineering studies.

In the course of this discussion, we pointed out that the Commission has granted numerous applications for both low power and full power TV stations, digital and analog, to locate transmitters within the Grade B contour of adjacent channel stations (in instances in which the proposed transmitter was not to be co-

located with the transmitters of those stations), based on showings made by licensees using the OET 69 methodology to calculate interference to the adjacent channel stations.

In addition, we explained that it is entirely appropriate for the Commission to clarify the vague aspects of its rule and to fill in the missing gaps with more detail as to how it will apply the rule to MediaFLO by issuing a declaratory ruling, particularly in light of the specific showing that QUALCOMM has made as to the technical and other characteristics of the MediaFLO service. The requested declaratory ruling is not inconsistent with the existing rule, and the Commission can issue the requested declaratory ruling without having to engage in a rulemaking.

Finally, we stressed the need for an expeditious ruling on the Petition for Declaratory Ruling. QUALCOMM plans to launch MediaFLO in the second half of 2006.

Respectfully submitted,

/s/ Dean R. Brenner

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QUALCOMM Incorporated

Cc: Roy Stewart
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William Johnson
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